

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JANE ROE,

Plaintiff,

v.

Case No.: 3:17-cv-00094

**WAYNE COUNTY BOARD
OF EDUCATION,**

Defendant.

**MEMORANDUM OPINION and ORDER
SEALING DOCUMENT**

Pending is Defendant's Motion to File "Exhibit 3" Under Seal. (ECF No. 44).

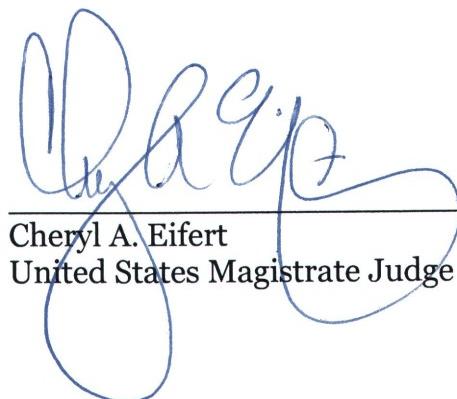
According to Defendant, Exhibit 3 contains protected health information, which has been designated as confidential by Plaintiff. Due to the highly personal nature of Exhibit 3, the Court **GRANTS** the motion and **ORDERS** that Exhibit 3 be filed as **SEALED**.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the attached document shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less

drastic alternatives to sealing the Exhibit, but no alternatives to sealing the document are feasible. Moreover, the public's right to be informed is greatly outweighed by (1) the interests to be protected in this circumstance; and (2) the fact that the Exhibit is attached to a motion to compel discovery, not a dispositive motion. Accordingly, the Court finds that sealing Exhibit 3 does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the defendant and all counsel of record.

ENTERED: December 20, 2017



Cheryl A. Eifert
United States Magistrate Judge

A handwritten signature in blue ink, appearing to read "Cheryl A. Eifert", is written over a blue oval. Below the signature, the name "Cheryl A. Eifert" is printed in black text, followed by "United States Magistrate Judge".